

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IVAN CAPLAN et al., :
Plaintiffs, :
-v- : 24-CV-7996 (JMF)
SEAN DOLLINGER et al., :
Defendants. :
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JESSE M. FURMAN, United States District Judge:

In light of the “well established” and “clear preference . . . for cases to be adjudicated on the merits,” *Pecarsky v. Galaxiworld.com Ltd.*, 249 F.3d 167, 174 (2d Cir. 2001), the Court is inclined to (1) GRANT Defendants’ motion to vacate the Certificate of Default, *see* ECF No. 67; (2) EXTEND, *nunc pro tunc*, Defendants’ deadlines to answer or otherwise respond to the Amended Complaint and to oppose Plaintiffs’ motion for injunctive relief, *see id.* at 2-3; and (3) DENY Plaintiffs’ motion for default judgment, *see* ECF No. 51.

The parties shall confer and, no later than **February 3, 2025**, file a joint letter that (1) addresses the foregoing; (2) proposes a briefing schedule in the event that, if permitted to do so, some or all Defendants intend to file a motion to dismiss; and (3) addresses whether the initial pretrial conference currently scheduled for February 5, 2025, remains necessary, in which case the parties should also include the information called for in the Notice of Initial Pretrial Conference, *see* ECF No. 5, and file a proposed Case Management Plan.

In the event that the February 5, 2025 conference is held, the time of the conference is hereby **CHANGED** to **9:30 a.m.** To access the conference, counsel should call the Court's

dedicated conference call line at (855) 244-8681 and use access code 2303 019 3884, followed by the pound (#) key. When prompted for an attendee ID number, press the pound (#) key again. Members of the press and public may call the same number, but will not be permitted to speak during the conference. The parties are reminded to follow the procedures for telephone conferences described in the Court's Individual Rules and Practices, which are available at <https://nysd.uscourts.gov/hon-jesse-m-furman>, including Rule 3(B)(i), which requires the parties, **no later than 24 hours before the conference**, to send a joint email to the Court with the names and honorifics (e.g., Mr., Ms., Dr., etc.) of counsel who may speak during the teleconference and the telephone numbers from which counsel expect to join the call.

SO ORDERED.

Dated: January 29, 2025
New York, New York



JESSE M. FURMAN
United States District Judge